

EXHIBIT A



Entered on Docket
September 01, 2009

A handwritten signature in black ink, appearing to read "L. B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³

Debtors.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the "Fifth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan" [Docket No.
3 7274] (the "Objection"); with appropriate notice of the Objection having been given; no
4 responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted
9 Principal.
- 10 3. The remainder of those claims listed on **Exhibit A** are disallowed in
11 full.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14
15 **LEWIS AND ROCA LLP**

16 By /s/ Marvin Ruth (#10979)

17 Rob Charles

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24 *Attorneys for USACM Liquidating Trust*
25
26

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles

19 John Hinderaker

20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

Claim	Name	Address	Total Claim Amount	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-02537	Albiol, Marcia C & Henry	Po Box 221356 Carmel, CA 93922-1356	50,000.00	12,285.97	37,714.03
10725-02545	Cadieux, Clara M & Richard L	1730 Terrace Heights LN Reno, NV 89523-1832	37,005.78	12,285.97	24,719.81
10725-01030	Dennis G Campton Md Psp Dtd 3/16/72	C/O Dennis G Campton Trustee 5741 Kens PL Pahrump, NV 89060-1751	59,209.25	19,657.56	39,551.69
10725-01140	William R & Cynthia J Godfrey Living Trust 2005	William & Cynthia Godfrey Ttees 7250 Birkland Ct Las Vegas, NV 89117	74,011.56	23,180.83	50,830.73
10725-00355	John & Janet Mrasz Trust Dtd 12/2/04	C/O John T & Janet F Mrasz Ttees 10015 Barling St Shadow Hills, CA 91040-1512	46,095.47	24,571.96	21,523.51
10725-01305	John B & Priscilla J Jaeger Family Trust	John B & Priscilla J Jaeger Trustees 2256 Hot Oak Ridge St Las Vegas, NV 89134-5520	247,050.00	24,571.96	222,478.04
10725-01621	Addes Trust	C/O Kenneth & Victoria Addes Ttees 100 W Broadway Apt 7V Long Beach, NY 11561-4019	86,511.56	24,571.96	61,939.60
10725-01850	Broadwalk Investments Limited Partnership	C/O James R Bonfiglio 8635 W Sahara Las Vegas, NV 89117-5858	75,464.72	24,571.96	50,892.76
10725-02395	Suarez, Tony	16 Bland St Emerson, NJ 07630-1154	82,956.06	24,571.96	58,384.10
10725-02509	Perrone, Nicholas	5112 San Anselmo St Las Vegas, NV 89120	781,454.00	24,571.96	756,882.04

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